

## REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Non-Final Office Action dated April 17, 2008. Claims 10-12 and 19 are cancelled. New claims 20-24 are presented. Applicant respectfully requests reconsideration of this application.

### **§102 Rejections**

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by *Imoehl* (U.S. Patent No. 5,105,787). Claim 1 requires the feature of “a locating feature to prevent relative rotation between the fluid port of the housing and the tube.” *Imoehl* fails to disclose a locating feature as required by claim 1.

The Examiner refers to the shoulder 44 of *Imoehl* as the equivalent structure to Applicant’s claimed locating feature. However, the shoulder 44 of *Imoehl* would not prevent relative rotation between the fuel rail 12 and the tube 14. Rather, the shoulder 44 separates a thick wall portion of the sleeve from a thinner wall portion, and provides an axial interlock that resists shifting of the sleeve on the fuel rail 12 (see column 3, lines 29-37). That is, the shoulder 44 prevents axial movement but not relative rotation between the fuel rail 12 and the tube 14. *Imoehl* does not teach the prevention of relative rotation between the fuel rail 12 and the tube 14. Accordingly, claims 1-3 are not anticipated.

### **§103 Rejections**

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being obvious over *Imoehl*. As stated above, *Imoehl* does not teach all the features of Applicant’s claim 1. Therefore, as claims 4-5 depend from claim 1, these rejections are moot.

The Examiner rejected claims 1, 6, 7, 13 and 14 under 35 U.S.C. §103(a) as being obvious over *Bartholomew* (U.S. Patent No. 5,826,920). The Examiner argues it would have

been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of *Bartholomew* of a first material and the tube of *Bartholomew* of a second material dissimilar to the first material as a matter of obvious design choice. Applicant respectfully disagrees with this rejection.

First, *Bartholomew* fails to disclose each feature of Applicant's independent claims 1 and 13. With respect to claim 1, *Bartholomew* fails to disclose a locating feature to prevent relative rotation between the fluid port of the housing and the tube. According to the Examiner, the lead-in portion 96 of *Bartholomew* is the equivalent structure to Applicant's claimed locating feature. However, the lead-in portion 96 is not a locating feature, and in no way prevents relative rotation between the male conduit 22 and the female member 24 of *Bartholomew*.

Further, with respect to claim 13, *Bartholomew* fails to disclose the feature of a manifold including a fluid port having an annular collar and an annual recess. The Examiner contends that the male conduit 22 is the equivalent structure of Applicant's claimed plastic manifold. In addition, the Examiner refers to the quick connect 28 of *Bartholomew* as the equivalent of an annular collar as claimed by Applicant. A quick connect is not the same as an annular collar of a plastic manifold. In fact, the quick connect 28 of *Bartholomew* is a completely separate and distinct component from the male conduit 22 (see Figure 1). Accordingly, *Bartholomew* fails to disclose each feature of Applicant's claim 13.

Moreover, even assuming *Bartholomew* did disclose these features of Applicant's claims, the claims are still not obvious. In this case, *Bartholomew* directly teaches against providing a housing of a first material and a tube of a second material dissimilar to the first material. *Bartholomew* discloses a conduit coupling 20 designed to include a quick connect fastener 28 for fastening the male conduit 22 to the female member 24 (see column 2, lines 25-40). Because a

quick connect design is contemplated, it would not be an “obvious design choice” to provide different materials for the conduit 22 and the female 24 of *Bartholomew*. A person of ordinary skill in the art would recognize the difficulty of providing a quick connection between conduits of different materials.

Moreover, the mere fact that a worker in the art could change the parts of the reference device to meet the terms of the claims is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device. See MPEP 2144.04 (VI.)(C.). In this case, not only does *Bartholomew* not provide motivation, but instead teaches against the proposed design change as argued above. Accordingly, claims 1, 6, 7, 13 and 14 are not obvious.

Claims 1, 8, 9 and 15-18 stand rejected under 35 U.S.C. §103(a) as being obvious over *Smith* (U.S. Patent No. 5,002,314). Once again, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of *Smith* of a first material and the tube of *Smith* of a second material dissimilar to the first material as a matter of obvious design choice. Applicant again respectfully disagrees with this rejection.

To begin, similar to the *Bartholomew* reference, *Smith* fails to teach each feature of Applicant's claims. With respect to claim 1, *Smith* fails to teach “a locating feature to prevent relative rotation between the fluid port of the housing and the tube.” The Examiner refers to a portion of Figure 2 of *Smith* as disclosing the locating feature. The shoulder of the cage 12 that the Examiner refers to would prevent only axial play of the pipe end. This portion of *Smith* in no way prevents relative rotation between the pipe 10 and the fitting 16. Likewise, with respect to

claim 15, *Smith* fails to teach the step of “preventing rotation between the fluid port of the housing and the metal tube” for the same reasons as discussed above with respect to claim 1.

Furthermore, even if *Smith* did teach these features of Applicant’s claims, the claims are still not obvious. For identical reasons as those detailed above with respect to *Bartholomew*, *Smith* directly teaches against the suggested modification. *Smith* teaches quick connect push on type fittings for its pipe and fitting connections (see column 4, lines 1-27). A person of ordinary skill in the art would recognize the difficulty of providing a quick connection between conduits of different materials. Accordingly, claims 1, 8, 9 and 15-18 are not obvious in view of *Smith*.

New claims 20-24 are presented and include additional features related to the claimed fluid connection assembly. The prior art fails to teach or suggest the features of these claims. Therefore, claims 20-24 are also allowable.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference would be useful to move this case forward to being issued, Applicant’s representative is happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: /Todd W. Barrett/  
Todd W. Barrett  
Registration No. 58,138  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: July 17, 2008

N:\Clients\FORMRITE\IP00315\PATENT\Response 7-08.doc